

Robert L. Sterup  
BROWN LAW FIRM, P.C.  
315 North 24<sup>th</sup> Street  
P.O. Drawer 849  
Billings, MT 59103-0849  
Tel. (406) 248-2611  
Fax (406) 248-3128  
[rsterup@brownfirm.com](mailto:rsterup@brownfirm.com)

*Attorneys for Defendant Unified Life Insurance Company*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

CHARLES M. BUTLER, III and  
CHOLE BUTTER,

Plaintiffs,

vs.

UNIFIED LIFE INSURANCE  
COMPANY; HEALTH PLANS  
INTERMEDIARIES HOLDINGS,  
LLC, D/B/A HEALTH INSURANCE  
INNOVATIONS; HEALTH  
INSURANCE INNOVATIONS, INC.;  
ALLIED NATIONAL, INC.;  
NATIONAL BROKERS OF  
AMERICA, INC.; THE NATIONAL  
CONGRESS OF EMPLOYERS, INC.;  
and DOES 1-10,

Defendants.

) Cause No.: CV 17-50-SPW-TJC

**UNIFIED LIFE INSURANCE  
COMPANY's MOTION TO  
DISMISS COUNTS IV-X OF  
PLAINTIFFS' COMPLAINT**  
\*\*\*AND\*\*\*

**To DISMISS CLAIMS OF CHOLE  
BUTLER  
FED R. CIV. P. 12(b)(6) and Mont.  
Code Ann. 33-18-242(3)**

---

COMES NOW Defendant Unified Life Insurance Company and respectfully moves to dismiss Counts IV-X of the Plaintiffs' Complaint, and to

dismiss all claims of Chole Butler, pursuant to Fed. R. Civ. P. 12(b)(6) and Mont. Code Ann. §33-18-242(3) *et seq.* Counsel for Plaintiffs has been contacted and objects to this Motion. This Motion is supported by the accompanying Memorandum of Law.

DATED this 5th day of June, 2017.

By: /s/ Robert L. Sterup  
Robert L. Sterup  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendant Unified Life  
Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of June, 2017, a copy of the foregoing was electronically filed and served on the following persons by the following means:

<u>1-2</u>	CM/ECF	<u>      </u>	Fax
<u>      </u>	Hand Delivery	<u>      </u>	E-Mail
<u>      </u>	Mail	<u>      </u>	Overnight Delivery

1. U.S District Court, Billings Division
2. John M. Morrison  
MORRISON SHERWOOD WILSON DEOLA PLLP  
401 North Last Chance Gulch  
P.O. Box 557  
Helena, MT 59624-0557  
*Attorney for Plaintiffs*

By: /s/ Robert L. Sterup  
Robert L. Sterup  
BROWN LAW FIRM, P.C.  
*Attorneys for Defendant Unified Life  
Insurance Company.*